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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

NORDAQ ENERGY, INC., a Delaware  
corporation with its principal place of  
business in Alaska, )  
)  
)  
)

Plaintiff, )  
)  
)

v. )  
)  
)

PAUL L. DEVINE, a citizen of the United )  
Kingdom; ANDREW ALLISTER KNOTT, a )  
citizen of the United Kingdom; LOTHIAN )  
INVESTMENT PARTNERS LIMITED, a )  
corporation organized under the laws of )  
Scotland, United Kingdom, and with its )  
principal place of business in the United )  
Kingdom; and GOLDEN EAGLE )  
PETROLEUM LIMITED, a corporation )  
organized under the laws of Scotland, United )  
Kingdom, and with its principal place of )  
business in the United Kingdom, )  
)

Defendants. )  
)  
)

Case No. 3:16-cv-0267 JWS

**FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)  
CONFERRAL NOTICE AND CERTIFICATION**

Federal Rule of Civil Procedure 12(b)(6) Notice and Certification

August 18, 2017

*Nordaq Energy v. Paul L. Devine, et al.* Case No. 3:16-cv-0267 JWS

Page 1 of 3


Plaintiff, NordAq Energy, Inc. ("NordAq"), pursuant to this Court's Order of December 1, 2016 [DK 5], hereby notifies and certifies to the Court that counsel for NordAq, Kevin G. Clarkson and Matthew C. Clarkson, and counsel for Defendant, Paul L. Devine, Anthony K. Bruster and Daniel T. Quinn, conferred this morning, Friday, August 18, 2017, by telephone regarding the Fed. R. Civ. P. 12(b)(6) motion to dismiss that NordAq intended to file as to Devine's counterclaims [DK 68]. As a result of this conferral, NordAq and Devine have agreed as follows:

1. NordAq will not file its reply to Devine's Counterclaim or its intended motion to dismiss the counterclaim under Fed. R. Civ. P. 12(b)(6) at this time;
2. By September 1, 2017, without need of a motion under Fed. R. Civ. P. 15, Devine will file an amended Counterclaim and this amended Counterclaim will not add any new parties to this case—Devine's request to join additional parties to this case will remain an issue for resolution under Devine's pending Motion for Leave to File Third-Party Complaint [DK 72], which NordAq will respond to on or before September 14, 2017;
3. NordAq will respond to Devine's amended Counterclaim, as it is filed on September 1, 2017, consistent with applicable Federal Civil and Local Rules.

DATED this 18<sup>th</sup> day of August, 2017.

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By

  
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**Certificate of Service**

The undersigned hereby certifies that on the 18<sup>th</sup> day of August, 2017, a true and correct copy of the foregoing was served by electronic means upon:

**Attorneys for Defendant Devine**

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